

Appl. No. : 09/666,207
Filed : September 21, 2000

REMARKS

The Examiner has rejected Claims 1-3 and Claim 5-11 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 4,822,339 to Tran. The Examiner stated that Tran discloses a container 322 with at least one wall and a cavity or a reservoir, two electrodes 324 and 326 that are spaced apart and extend into the reservoir. The Examiner further stated that the electrodes pass through the container, thereby coming into contact with the outside surface of the container and connect to leads or contact elements 346 and 348 outside the reservoir. The Examiner stated that the container further comprises a sealing element. The Examiner also stated that Tran further discloses an alternate embodiment of the container that includes both electrodes in a single undivided chamber 218 defined by housing 228.

In response to Examiner's rejection, Applicant has amended the claims as shown herein. In particular, Applicant has amended Claims 1 and 8 to call for an undivided, substantially impermeable reservoir within the container which functions to seal the substance therein. Support for such an amendment can be found on page 2, lines 12-18 and page 8, lines 11-16 of the specification. Applicant respectfully asserts that amended Claims 1 and 8 recite a unique combination of features not taught or suggested by the prior art. Furthermore, it is Applicant's belief that dependent claims 2-3, 5-7 and 9-11 also recite a unique combination of features not taught or suggested by the prior art. In addition, Applicant has added claims 22-26. Applicant believes the claims are not anticipated nor are obvious variations of the prior art and respectfully requests that the Examiner withdraw the rejection.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejection set forth in the outstanding Office Action is inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issues promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: Eric K. Morton

Eric K. Morton
Registration No. 54,588
Attorney of Record
Customer No. 20,995
(949) 760-0404